

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN, : CIVIL NO. 1:01-CV-0677  
Plaintiff, :  
 :  
v. : (Judge Conner)  
 :  
LOUIS CAPRIO, Lieutenant, and :  
JAMES P. WHITE, Lieutenant, :  
Defendants :

DECLARATION OF K. MICHAEL SULLIVAN

I, K. Michael Sullivan, do hereby declare and state as follows:

1. I am a Senior Attorney for the Federal Bureau of Prisons, Federal Correctional Complex, Allenwood, Pennsylvania. I have been employed with the Bureau of Prisons since August 1992.
2. As a Senior Attorney with the Federal Bureau of Prisons, I have access to information maintained by the Bureau of Prisons' SENTRY computer system, as well as inmate central files and medical records.
3. On November 24, 2003, I conducted an inquiry to determine whether or not the Plaintiff, inmate Emanuel Newman, Federal Register Number 13418-039, had been given correspondence privileges with six other inmates in connection with the above-captioned case. Specifically, the Plaintiff has

requested to correspond with the following individuals:

Ames, Aldrich	Fed. Reg. No. 40087-083
Brown, Johnny Mack	Fed. Reg. No. 04780-084
Hazel, Bobby	Fed. Reg. No. 41097-133
Jackson, Wayne E.	Fed. Reg. No. 58074-004
Tinsley, Kevin	Fed. Reg. No. 49227-083
Worthy, Ervin Darnell	Fed. Reg. No. 52349-060

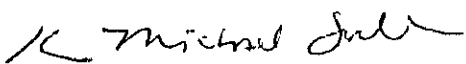
4. The Bureau of Prisons has established procedures concerning correspondence between confined inmates. These procedures are found at 28 CFR § 540.17 and Bureau of Prisons Program Statement 5265.11, entitled Correspondence. Essentially, an inmate may be permitted to correspond with an inmate confined in any other penal or correctional institution if the other inmate is either a member of the immediate family, or is a party or witness in a legal action in which both inmates are involved.
5. In the Plaintiff's case, he has stated that these six individuals are all witnesses in his pending civil case. Since these individuals are all housed in federal institutions, the appropriate unit manager at each institution must approve of the correspondence. If the request is denied, the Unit Manager shall document the reason(s) for the denial and the Plaintiff may appeal the denial through the Administrative Remedy Process. Additionally, such correspondence may always be inspected and read by staff at the sending and receiving institutions

(it may not be sealed by the inmate).

6. As of November 24, 2003, the Plaintiff's request to correspond with all six individuals had been approved by staff at his institution. Additionally, staff at institutions where the six witnesses are located have approved the request for the following inmates: Johnny Mack Brown, Wayne E. Jackson, Kevin Tinsley and Ervin Darnell Worthy. Although a request to approve inmate Aldridge Ames has been made, due to unique security concerns involving this individual, that request is still pending.
7. Finally, the Plaintiff's request to correspond with inmate Bobby Hazel is currently pending approval and it is expected to be granted in the next several days.

I declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

Executed this 25<sup>th</sup> day of November, 2003.

  
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K. MICHAEL SULLIVAN  
Senior Attorney  
FCC Allenwood  
White Deer, Pennsylvania 17887